

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

SHAMROCK FOODS COMPANY

and

Case 28-CA-150157

BAKERY, CONFECTIONERY, TOBACCO
WORKERS' AND GRAIN MILLERS
INTERNATIONAL UNION, LOCAL
UNION NO. 232, AFL-CIO-CLC

NOTICE TO SHOW CAUSE

On February 11, 2016, Administrative Law Judge Jeffrey D. Wedekind issued a decision in this case. The Respondent filed exceptions and a supporting brief, the General Counsel filed an answering brief, and the Respondent filed a reply brief. The General Counsel and Charging Party each filed cross-exceptions and supporting briefs, and the Respondent filed answering briefs.

On June 22, 2018, the Board issued a decision, 366 NLRB No. 117, ruling on the exceptions to many of the complaint allegations, but it severed and retained for future consideration the complaint allegations that the Respondent violated Section 8(a)(1) by maintaining certain work rules or policies. In the underlying decision, the judge applied the “reasonably construe” prong of the Board’s decision in *Lutheran Heritage Village-Livonia*, 343 NLRB 646 (2004) (*Lutheran Heritage*). Recently, the Board overruled the *Lutheran Heritage* “reasonably construe” test and announced a new standard that applies retroactively to all pending cases. *The Boeing Co.*, 365 NLRB No. 154, slip op. at 14-17 (2017). Having duly considered the matter,

NOTICE IS GIVEN that cause be shown, in writing, filed with the Board in Washington, D.C., on or before October 25, 2018 (with affidavit of service on the parties to this proceeding), why the complaint allegations involving the maintenance of allegedly unlawful work rules or policies under *Lutheran Heritage* should not be severed and remanded to the administrative law judge for further proceedings consistent with the Board's decision in *Boeing*, including reopening the record if necessary. Any response should address whether a remand would affect the Board's ability to resolve the remaining complaint allegations, including whether those allegations should be severed and retained or instead included in the remand. Any briefs or statements supporting or opposing a remand shall be filed on the same date.

Dated, Washington, D.C., October 11, 2018.

By direction of the Board:

/s/ Roxanne L. Rothschild

Executive Secretary